

TO AMEND SECTION 194 OF THE PENAL CODE IN RELATION TO MAIL BOXES

FEBRUARY 10, 1925.—Referred to the House Calendar and ordered to be printed

Mr. GRAHAM, from the Committee on the Judiciary, submitted the
following

REPORT

[To accompany S. 3180]

The Committee on the Judiciary, to whom was referred the bill S. 3180, after consideration, report favorably thereon and recommend that the bill do pass.

The only change in the present law effected by this bill will be found at the top of page 2, as follows: "or whoever shall steal, take, or abstract, or by fraud or deception obtain any letter, postal card, package, bag, or mail which has been left for collection upon or adjacent to a collection box or other authorized depository of mail matter."

This legislation is indorsed by the Attorney General and urged by the Postmaster General, and their communications are printed herewith as a part of this report.

POST OFFICE DEPARTMENT,
Washington, D. C., March 28, 1924.

The honorable the ATTORNEY GENERAL.

MY DEAR MR. ATTORNEY GENERAL: Referring to the case of United States *v.* Lophansky (232 Fed. 297), I have the honor to state that this department has reached the conclusion that it would be desirable to have section 194 of the Federal Penal Code amended so as to cover such cases as that for which Lophansky was tried but acquitted. It is believed that the sanctity of the mails should be respected to the greatest practicable extent and that the amendment of the law would be justified so as to afford protection to parcels deposited upon or adjacent to collection boxes or other authorized depositories. The following suggestion is made as to the form of the amendment, the matter in parenthesis constituting the proposed amendment.

"Whoever shall steal, take, or abstract, or by fraud or deception obtain, from or out of any mail, post office, or station thereof, or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or shall abstract or remove from any such letter, package, bag, or

mail, any article or thing contained therein, or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein (or whoever shall steal, take, or abstract, or by fraud or deception obtain any letter, postal card, package, bag, or mail, which has been left for collection upon or adjacent to a collection box or other authorized depository of mail matter); or whoever shall buy, receive, or conceal, or aid in buying, receiving, or concealing, or shall unlawfully have in his possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been so stolen, taken, embezzled, or abstracted, as herein described, knowing the same to have been so stolen, taken, embezzled, or abstracted; or whoever shall take any letter, postal card, or package, out of any post office or station thereof, or out of any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any post office or station thereof, or other authorized depository, or in the custody of letter or mail carrier, before it has been delivered to the person to whom it was directed, with a design to obstruct the correspondence, or to pry into the business or secrets of another, or shall open, secrete, embezzle, or destroy the same, shall be fined not more than \$2,000, or imprisoned not more than five years, or both."

I should be glad to learn your views as to the desirability of the proposed amendment.

Very truly yours,

HARRY S. NEW, *Postmaster General.*

DEPARTMENT OF JUSTICE,
Washington, D. C., April 19, 1924.

Hon. GEORGE S. GRAHAM,
Chairman Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: There is transmitted herewith a copy of a letter received from the Postmaster General, in which he proposed an amendment to section 194 of the Criminal Code of the United States. The amendment is intended to make said section apply to the theft of mail which may be placed upon the top of or at the base of a mail-collection box, it being impossible to place said matter in the box either because the box is already filled or because the slot in said box is not large enough to admit such mail matter. It seems desirable that the law should be extended to cover such cases, and I therefore recommend the amendment of section 194 as proposed by the Postmaster General.

Respectfully,

HARLAN F. STONE,
Attorney General.